

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Scott Sales, on February 10, 2015 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Scott Sales, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Robyn Driscoll (D)
Sen. Jedediah Hinkle (R)
Sen. Douglas (Doug) Kary (R)
Sen. Cliff Larsen (D)
Sen. Mary McNally (D)
Sen. Mary Sheehy Moe (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)

Members Excused: Sen. Kris Hansen (R)
Sen. Chas Vincent (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 202, 1/30/2015, HB 37, 2/2/2015; HB 88, 2/2/2015; HB 161, 2/2/2015; SB 242, 2/2/2015

Executive Action: SB 199-Tied (failed, remains in committee), SB 209-Do Pass As Amended, HB 135-Be Concurred In As Amended, HB 74-Be Concurred in As Amended, HB 26-Be Concurred In

HEARING ON HB 37

Opening Statement by Sponsor:

00:04:48 Rep. Matthew Monforton (R), HD 69, opened the hearing on HB 37, Revising laws regarding domestic violence and child abuse evidence admissibility.

Proponents' Testimony:

00:07:53 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Opponents' Testimony:

00:10:35 Chris Abbott, self

00:18:09 Brian Miller, attorney

00:25:44 Niki Zupanic, American Civil Liberties Union (ACLU)

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:28:10 Rep. Monforton

HEARING ON SB 242

Opening Statement by Sponsor:

00:31:42 Sen. Roger Webb (R), SD 23, opened the hearing on SB 242, Revise laws related to providing alcohol to minors.

Proponents' Testimony:

00:32:54 Coleen Smith, Youth Connections, also Lewis and Clark DUI Task Force
[EXHIBIT\(jus30a01\)](#)

00:38:07 Larry Epstein, Montana County Attorneys Association, MCAA and Montana Law Enforcement Association (MLEA)

00:38:50 David Smith, chief operating officer, Helena YMCA

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:40:15 Sen. Sands
00:40:24 Sen. Webb
00:40:39 Mr. Epstein, MCAA, MLEA
00:41:15 Sen. Fielder
00:41:47 Mr. Epstein
00:42:32 Sen. Hinkle
00:43:57 Sen. Webb

Closing by Sponsor:

00:45:08 Sen. Webb

HEARING ON HB 161

Opening Statement by Sponsor:

00:45:48 Rep. Vince Ricci (R), HD 55, opened the hearing on HB 161, Revise laws related to arson investigations.

[EXHIBIT\(jus30a02\)](#)

Proponents' Testimony:

00:47:48 Craig Trapp, fire marshal, Helena Fire Department (HFD), also for Montana Chapter of International Fire Investigators
00:49:47 John Semple, Montana Fire Alliance (MFA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:50:31 Sen. Sands
00:51:02 Mr. Trapp, HFD
00:51:07 Sen. Fielder
00:51:32 Mr. Trapp

Closing by Sponsor:

00:52:35 Rep. Ricci

HEARING ON HB 88**Opening Statement by Sponsor:**

00:53:06 Rep. Sarah Laszloffy (R), HD 53, opened the hearing on HB 88, Generally revise laws related to sex offender registration.

HB 88 is rescheduled for Friday, 2/13/15

00:54:16 Recess

01:10:01 Reconvene

01:10:18 Chairman Sales

EXECUTIVE ACTION ON HB 26

01:11:21 **Motion/Vote:** Sen. Swandal moved that **HB 26 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy. Sen. Driscoll will carry the bill.

EXECUTIVE ACTION ON HB 74

01:12:25 **Motion:** Sen. Fielder moved that **HB 74 BE CONCURRED IN**.

01:13:17 **Motion:** Sen. Larsen moved that **HB 74 BE AMENDED**.
[EXHIBIT\(jus30a03\)](#)

Discussion:

01:13:43 Julianne Burkhardt, Legislative Services Division (LSD)

01:14:15 Sen. Sands

01:14:18 Ms. Burkhardt, LSD

01:14:43 **Vote:** Motion carried 9-3 by voice vote with Sen. Fielder, Sen. Hansen and Sen. Vincent voting no. Sen. Hansen and Sen. Vincent voted by proxy.

01:15:19 **Motion:** Sen. Sands moved that **HB 74 BE CONCURRED IN AS AMENDED**.

Discussion:

01:15:28 Chairman Sales

01:15:35 Sen. Fielder

01:15:53 Ms. Burkhardt

01:16:04 Sen. Larsen

01:16:33 Sen. Fielder requested that the three NO votes (Sens. Fielder, Hansen and Vincent) be changed to AYE votes on the previous amendment motion for **HB 74**. Chairman Sales deemed this was acceptable. Vote was Changed.

01:17:21 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy. Sen. McNally will carry the bill.

EXECUTIVE ACTION ON HB 135

01:18:51 **Motion:** Sen. Swandal moved that **HB 135 BE CONCURRED IN**.

01:18:59 **Motion:** Sen. Swandal moved that **HB 135 BE AMENDED**.
[EXHIBIT\(jus30a04\)](#)

Discussion:

01:20:17 Julianne Burkhardt, Legislative Services Division (LSD)

01:20:29 Sen. Sands

01:21:16 **Vote:** Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy.

01:21:37 **Motion/Vote:** Sen. Moe moved that **HB 135 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Sen. Hansen and Sen. Vincent voted by proxy. Sen. Moe will carry the bill.

01:21:55 Sen. Kary

EXECUTIVE ACTION ON SB 199

01:22:59 **Motion:** Sen. Fielder moved that **SB 199 DO PASS**.

Discussion:

01:23:06 Sen. Sands

01:24:03 Sen. Fielder

01:25:01 **Vote:** Motion failed 6-6 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle, Sen. Kary, Sen. Sales and Sen. Vincent voting aye. Sen. Hansen and Sen. Vincent voted by proxy. (HB 199 remains in committee)

EXECUTIVE ACTION ON SB 209

01:26:02 **Motion:** Sen. Fielder moved that **SB 209 DO PASS**.

01:28:41 **Motion:** Sen. McNally moved that **SB 209 BE AMENDED**.
[EXHIBIT\(jus30a05\)](#)

Discussion:

01:29:27 Julianne Burkhardt, Legislative Services Division, LSD
01:30:11 Without objection, Sen. McNally withdrew the **SB 209 BE AMENDED** motion.

01:30:16 **Motion:** Sen. McNally moved that **SB 209 BE AMENDED.**
EXHIBIT(jus30a06)

Discussion:

01:30:34 Ms. Burkhardt, LSD
01:31:10 Sen. McNally
01:31:39 Sen. Fielder
01:32:20 Sen. Swandal

01:32:44 **Vote:** Motion failed 4-8 by roll call vote with Sen. Driscoll, Sen. Larsen, Sen. McNally and Sen. Sands voting aye. Sen. Hansen and Sen. Vincent voted by proxy.

01:33:48 Sen. McNally moved without objection, to **SEGREGATE SECTION #2 From amendment SB 0209 02.AJB.**

01:33:56 Ms. Burkhardt
01:34:17 Sen. McNally
01:35:11 Ms. Burkhardt
01:35:55 Sen. Fielder

01:36:06 **Motion/Vote:** Sen. McNally moved that **SB 209 BE AMENDED WITH SECTION #2 (of 0209.02.AJB amendment).** Motion carried 7-5 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle, Sen. Kary and Sen. Vincent voting no. Sen. Hansen and Sen. Vincent voted by proxy.

Discussion:

01:36:20 Sen. Swandal
01:36:35 Ms. Burkhardt

01:36:58 **Motion:** Sen. Swandal moved that **SB 209 BE AMENDED WITH A CONCEPTUAL AMENDMENT TO CHANGE "THE" OWNER TO "AN" OWNER.**

Discussion:

01:37:13 Chairman Sales
01:38:17 Sen. Swandal
01:38:30 Ms. Burkhardt

01:38:53 **Vote:** Motion carried 8-4 by roll call vote with Sen. Fielder, Sen. Hansen, Sen. Hinkle and Sen. Vincent voting no. Sen. Hansen and Sen. Vincent voted by proxy.

01:39:40 **Motion:** Sen. Swandal moved that **SB 209 BE AMENDED.**
[EXHIBIT\(jus30a07\)](#)

Discussion:

01:40:24 Sen. Sands
01:40:46 Sen. Hinkle
01:41:03 Sen. Swandal

01:41:38 **Vote:** Motion carried 11-1 by roll call vote with Sen. Sales voting no. Sen. Hansen and Sen. Vincent voted by proxy.

01:42:18 **Motion/Vote:** Sen. Fielder moved that **SB 209 DO PASS AS AMENDED.**
Motion carried 11-1 by voice vote with Sen. Driscoll voting no. Sen. Hansen and Sen. Vincent voted by proxy.

HEARING ON SB 202

Opening Statement by Sponsor:

01:43:10 Sen. Dick Barrett (D), SD 45, opened the hearing on SB 202, Establish guidelines and immunities for physicians who provide end of life care.

Proponents' Testimony:

01:58:00 Robert Errichello, self, Townsend
[EXHIBIT\(jus30a08\)](#)

02:00:15 Roberta King, self, Missoula
02:02:42 Dan Lourie, self, Bozeman
[EXHIBIT\(jus30a09\)](#)

02:05:46 Mark Connell, self, attorney, Missoula
02:10:04 Bonnie Kelley, self, Frenchtown
02:13:16 Ethel Bynes, self
02:18:07 Eric Kress, family physician, Missoula
[EXHIBIT\(jus30a10\)](#)

02:25:45 Barbara Kirkland, self
02:28:37 Doris Fischer, self, Sheridan
[EXHIBIT\(jus30a11\)](#)

02:30:36 Linda Gryczan, self
02:32:27 Jane Jelinski, self, Bozeman
[EXHIBIT\(jus30a12\)](#)

02:33:58 Jane Hamman, self
02:34:33 Niki Zupanic, American Civil Liberties Union (ACLU)
02:36:08 Ron Waterman, self, attorney, Helena
02:38:38 Mignon Waterman, self, Helena

02:40:13 Mary Douglass, self, Helena, R.N.

02:41:08 Wilbur Filipovich, self

02:41:55 Tom Heyes, self

[EXHIBIT\(jus30a13\)](#)

02:42:48 Robert Zimorino, self, Missoula

02:44:11 Janet Hess-Herbert, self

02:44:32 Emily Bentley, self, also for American Public Health Association (APHA), American Medical Students Associations (AMSA), American College of Legal Medicine (ACLM), American Women's Medical Association (AWMA), and Montana Social Workers Association (MSWA)

02:45:06 Maren Keener, self

02:45:25 Jane Muller, self

Opponents' Testimony:

02:45:47 David Hafer, self, physician, Dayton

[EXHIBIT\(jus30a14\)](#)

02:49:01 Bradley Williams, Montanans Against Assisted Suicide (MAAS), also for Beth Brennehan, Disability Rights Montana (DRM)

[EXHIBIT\(jus30a15\)](#)

[EXHIBIT\(jus30a16\)](#)

[EXHIBIT\(jus30a17\)](#)

02:54:00 Craig Treptow, self, physician, Great Falls, also speaking for Richard Blevins and Melchisedek Margaris

[EXHIBIT\(jus30a18\)](#)

[EXHIBIT\(jus30a19\)](#)

[EXHIBIT\(jus30a20\)](#)

02:56:54 Robin Lynn Treptow, self, psychologist, Great Falls

[EXHIBIT\(jus30a21\)](#)

02:59:16 Thomas Warr, self, physician, Great Falls

[EXHIBIT\(jus30a22\)](#)

03:03:35 Bobbie Hafer, self, Dayton

[EXHIBIT\(jus30a23\)](#)

[EXHIBIT\(jus30a24\)](#)

[EXHIBIT\(jus30a25\)](#)

03:08:05 Annie Bukacek, self, physician, Kalispell

[EXHIBIT\(jus30a26\)](#)

03:11:52 Chris Gilbert, self, physician, Stevensville

[EXHIBIT\(jus30a27\)](#)

03:14:17 Jennifer Gilbert, self, physician, Missoula
[EXHIBIT\(jus30a28\)](#)

03:16:49 Dick Pence, Billings Family Action Group
[EXHIBIT\(jus30a29\)](#)

03:22:00 Margaret Dore, self
[EXHIBIT\(jus30a30\)](#)
[EXHIBIT\(jus30a31\)](#)

03:26:40 Phillip Tummerello, self, San Francisco, CA
[EXHIBIT\(jus30a32\)](#)

03:33:13 Ted Friesen, self, Big Fork
[EXHIBIT\(jus30a33\)](#)

03:33:26 John Meyer, self
03:33:35 Berniece Stulc, self, Belgrade
[EXHIBIT\(jus30a34\)](#)

03:33:50 Sandra Wedel, self, Great Falls
[EXHIBIT\(jus30a35\)](#)

03:34:06 Helen Mears, self, Great Falls
[EXHIBIT\(jus30a36\)](#)

03:34:30 Christina Hayden, self, Butte
[EXHIBIT\(jus30a37\)](#)
[EXHIBIT\(jus30a38\)](#)

03:34:52 Mellda Freeman, self, Butte
[EXHIBIT\(jus30a39\)](#)

03:35:08 Derek Skees, self, Kalispell
[EXHIBIT\(jus30a40\)](#)

03:35:19 Matthew Brower, executive director, Montana Catholic Conference (MCC)
[EXHIBIT\(jus30a41\)](#)

03:35:34 Mike Foster, Catholic Hospitals in Montana
03:35:47 Jeff Laszloffy, Montana Family Foundation (MFF)
[EXHIBIT\(jus30a42\)](#)

Informational Testimony:

None

Questions from Committee Members and Responses:

03:36:10 Sen. Sands

03:36:32 Sen. Fielder
03:37:00 Ms. Zupanic, ACLU
03:40:23 Sen. Fielder
03:40:47 Ms. Dore, self
03:42:36 Sen. Larsen
03:43:18 Mr. Kress, physican
03:48:30 Chairman Sales
03:49:25 Sen. Barrett
03:49:52 Mr. Kress
03:52:33 Mr. Hafer, self
03:53:16 Sen. Driscoll
03:53:44 Ms. Zupanic

Closing by Sponsor:

03:55:03 Sen. Barrett

ADJOURNMENT

Adjournment: 12:00 P.M.

Pam Schindler, Secretary

ps

Additional Documents:

EXHIBIT([jus30aad.pdf](#))